

7954-06

**SECOND AMENDMENT TO CONTRACT  
BETWEEN  
THE CITY OF JACKSONVILLE  
AND  
PREFERRED MATERIALS, INC.,  
(f/k/a OLDCASTLE SOUTHERN GROUP, INC.,  
d/b/a APAC-SOUTHEAST, INC.)  
FOR  
CONTINUOUS ASPHALT RESURFACING IN THE WEST AREA**

**THIS SECOND AMENDMENT** to Contract is executed this 18 day of March, 2014, by and between the CITY OF JACKSONVILLE, FLORIDA (hereinafter the "Owner" or the "City"), a municipal corporation in Duval County, Florida, and PREFERRED MATERIALS, INC. (f/k/a OLDCASTLE SOUTHERN GROUP, INC., d/b/a APAC-SOUTHEAST, INC. (hereinafter "APAC")), a foreign profit corporation authorized to do business in Florida with an office at 11482 Columbia Park Drive West, Suite 3, Jacksonville, Florida 32258, for continuous asphalt resurfacing in the West Area (hereinafter the "Project").

**RECITALS:**

**WHEREAS**, on October 4, 2012, City and APAC made and entered into City of Jacksonville Contract No. 7954-06 (hereinafter the "Contract"); and

**WHEREAS**, said Contract has been amended once previously; and

**WHEREAS**, effective February 3, 2014, APAC changed its name to Preferred Materials, Inc.; and

**WHEREAS**, said Contract should be amended to recognize said name change and to provide for the substitution of Preferred Materials, Inc. for APAC as a party to said Contract and all of its amendments, with all other provisions, terms, and conditions of said Contract remaining unchanged; now therefore

**IN CONSIDERATION** of the Contract and of the mutual covenants hereinafter contained and for other good and valuable consideration admitted by the parties to be legally sufficient, the parties agree to amend said Contract as follows:

1. The above-stated recitals are accurate, true, and correct and are incorporated herein and made a part hereof by this reference.

2. APAC has changed its name to Preferred Materials, Inc. Accordingly, Preferred Materials, Inc. shall take the place of APAC in said Contract and all amendments thereto. Preferred Materials, Inc. shall be responsible and liable for all the work, requirements, duties, and obligations of APAC pursuant to said Contract and all amendments thereto, and Preferred Materials, Inc. shall be entitled to all rights of APAC pursuant to said Contract and all amendments thereto.

3. Whenever the names "Oldcastle Southern Group, Inc.", "APAC-Southeast, Inc.", or "Contractor" are used in said Contract or amendments thereto, those names shall mean and include "Preferred Materials, Inc."

**SAVE AND EXCEPT** as expressly amended in and by this instrument, the provisions, terms, and conditions of said Contract of October 4, 2012 shall remain unchanged and shall continue in full force and effect.

**[Remainder of page left blank intentionally. Signature page follows immediately].**

IN WITNESS WHEREOF, the parties hereto have duly executed this Second Amendment in duplicate the day and year first above written.

ATTEST:

CITY OF JACKSONVILLE, FLORIDA

By James R. McCain, Jr.  
James R. McCain, Jr.  
Corporation Secretary



By Karen Bowling  
Alvin Brown, Mayor

OWNER

Karen Bowling  
Chief Administrative Officer  
For: Mayor Alvin Brown  
Under Authority of:  
Executive Order No. 2013-04

ATTEST:

PREFERRED MATERIALS, INC.  
f/k/a OLDCASTLE SOUTHERN GROUP, INC.  
d/b/a APAC-SOUTHEAST, INC.

Melinda Lewis  
Signature

Melinda Lewis  
Type/Print Name

Assistant Secretary  
Title

John W. Taylor  
Signature

John W. Taylor  
Type/Print Name

Vice President  
Title

CONTRACTOR

Form Approved:

James R. McCain, Jr.  
Office of General Counsel

City of Jacksonville, I do certify that there is an unexpanded, unencumbered and unimpounded balance in the appropriation sufficient to cover the foregoing Agreement and that provision has been made for the payment of the monies payable, herein to be paid.

C. Ronald Belton  
Director of Finance

7954-06 AMD #2  
BT

SUBJECT: CONTINUOUS ASPHALT RESURFACING FOR NORTH, WEST, & SOUTHEAST AREAS

BID# CS-0525-12

OPEN DATE: 5/23/2012

**GENERAL GOVERNMENT AWARDS COMMITTEE**

KIND AND BASIS OF CONTRACT:

CONSTRUCTION SUPPLY

AGENCY: **ROW & GROUNDS**

BASIS OF AWARD: **ROW & GROUNDS**

NUMBER OF BIDS INVITED 5 NUMBER RECEIVED 3 OTHER 0

**SUMMARY OF BIDS AND RECOMMENDED ACTIONS:**

SUBJECT BID WAS AWARDED 6/21/12 TO OLDCASTLE SOUTHERN GROUP, INC., D/B/A APAC-SOUTHEAST, INC., FOR PART "A"- NORTH, IN THE AMOUNT OF \$4,819,055.50; PART "B"- WEST IN THE AMOUNT OF \$4,941,455.50; AMENDED ON 7/10/12 TO \$4,000,000.00 FOR PARTS A, B & C ; 1ST RENEWAL AMOUNT \$4,000,000.00 APPROVED ON 8/5/13 PARTS A & B ONLY.

RECOMMEND APPROVAL OF AWARD FOR NAME CHANGE ONLY FROM OLDCASTLE SOUTHERN GROUP, INC., D/B/A APAC-SOUTHEAST, INC., TO PREFERRED MATERIALS, INC., NO OTHER CHANGES NEEDED.

ATTACHMENTS: RECOMMENDATION MEMO, VENDOR DOCUMENTATION, PREVIOUS AWARD(S)

BUYER: Marilyn Laidler  
MARILYN LAIDLER

RESPECTFULLY SUBMITTED: Gregory Pease  
GREGORY PEASE, CHIEF  
PROCUREMENT DIVISION

CONCURRENCE BY: L.W. "TERRY" THERIAULT, P.E., CHIEF, RIGHT OF WAY AND GROUNDS MAINTENANCE DIVISION

**(ALL AWARD ACTIONS SUBJECT TO LAWFULLY APPROPRIATED FUNDS)**

ACTION OF GGAC COMMITTEE ON RECOMMENDATIONS ABOVE

MEMBERS APPROVING 3 MEMBERS DISAPPROVING \_\_\_\_\_ DATE: 02/13/14

[Signatures]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER: \_\_\_\_\_

ACTION OF AWARDDING AUTHORITY \_\_\_\_\_ DATE: 2/19/14

APPROVED  \_\_\_\_\_ DISAPPROVED \_\_\_\_\_

OTHER \_\_\_\_\_

SIGNATURE OF AUTHENTICATION Karen Bowling

Karen Bowling  
Chief Administrative Officer  
For: Mayor Alvin Brown  
Under Authority of:  
Executive Order No. 2013-04